

REMARKS

Claims 1-44 remain pending in the application.

Claims 36 and 41-44 over Mauney

In the Office Action, claims 36 and 41-44 were rejected under 35 U.S.C. §102(a) as allegedly being anticipated by U.S. Patent No. 6,484,027 to Mauney et al. ("Mauney"). The Applicants respectfully traverse the rejection.

Claims 36 and 41-44 are amended herein to now recite sensing that the portable wireless device has been moved from a stationary position.

Mauney teaches a wireless device that includes a "find feature" that determines if a specified object is within range of a wireless handset, and a detector that detects a message from that object. (See, e.g., Mauney, col. 95, lines 52-57; col. 7, lines 6-17). An object coming within range of the wireless device as taught by Mauney is NOT an indication of movement of the portable wireless device from a stationary position as claimed by claims 36 and 41-44.

It is believed that the Examiner agrees with this point, as he himself indicated in the Office Action at page 10 that "Mauney does not specifically disclose the detector comprises a motion sensor."

Based on the Examiner's comments alone, Mauney does not anticipate claims 36 and 41-44 in their present condition. Accordingly, for at least all the above reasons, claims 36 and 41-44 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 37-40 over Mauney in view of Deline

Claims 37-40 were rejected under 35 USC 103(a) as allegedly being obvious over Mauney in view of U.S. Pat. No. 6,420,975 to Deline et al. ("Deline"). The Applicants respectfully traverse the rejection.

Claims 37-40 are amended herein to now recite sensing that the portable wireless device has been moved from a stationary position.

As discussed above, even the Examiner appears to agree that Mauney fails to teach sensing of movement of the portable wireless device, much less movement from a stationary position as claimed by claims 37-40.

However, the Examiner further cites Deline for allegedly teaching detection utilizing a BLUETOOTH communication channel. (Office Action at 3). Even so, even the combination of Mauney in view of Deline fails to disclose, teach or suggest the sensing of movement of a portable wireless device from a stationary position.

For these and other reasons, claims 37-40 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 1, 2, 4, 11-18, 24-29, 31 and 33-35 over Mauney in view of Knuth

Claims 1, 2, 4, 11-18, 24-29, 31 and 33-35 were rejected under 35 USC 103(a) as allegedly being obvious over Mauney in view of Knuth. The Applicants respectfully traverse the rejection.

Claims 1, 2, 4 and 11-18, 24-29, 31 and 33-35 recite a motion sensor for sensing when a portable wireless device has been moved from a stationary position. This is subject matter that was amended from (now canceled) claims 7 and 20, neither of which were subjected to this rejection.

Thus, it is believed that since these claims all contain the subject matter of (now canceled) claims 7 and 20, that the Examiner would agree that claims 1, 2, 4, 11-18, 24-29, 31 and 33-35 are not obvious over the theoretical combination of Mauney in view of Knuth.

For these and other reasons, claims 1, 2, 4, 11-18, 24-29, 31 and 33-35 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 3, 5-10, 19-23, 30 and 32 over Mauney in view of Knuth and Deline

Claims 3, 5-10, 19-23, 30 and 32 were rejected under 35 USC 103(a) as allegedly being obvious over Mauney in view of Knuth and further in view of Deline. The Applicants respectfully traverse the rejection.

Claims 3, 5-10, 19-23, 30 and 32 recite a motion sensor for sensing when a portable wireless device has been moved from a stationary position.

As discussed above, and as agreed by the Examiner, Mauney fails to disclose motion sensing. Moreover, as discussed above, Deline is cited by the Examiner for allegedly teaching use of BLUETOOTH communications in general, and likewise fails to teach motion sensing.

However, the Examiner cites Knuth, in addition to Mauney and Deline. In reading through the Examiner's explanation and support for this rejection on pages 9-13, the undersigned was unable to find any discussion about Knuth, much less particularity about such rejection based on Knuth.

Nevertheless, in an effort to move prosecution forward, it is presumed that the Examiner's discussion of Knuth with respect to the prior rejection based on Mauney and Knuth alone represents a position that he might take in the future.

In that regard, it would appear that the Examiner cites Knuth for teaching a proximity detector. Our reading of Knuth shows that Knuth teaches use of an optical proximity sensor mounted in a stationary TELEPHONE ANSWERING DEVICE. Knuth's telephone answering device is directly wired into a telephone line 10 (See Knuth, col. 2, line 66), and thus is clearly a stationary device.

Knuth relates at best to the detection of the movement of a user. Knuth fails to disclose, teach or suggest detection of movement of the telephone, much less a portable wireless telephone as claimed by claims 3, 5-10, 19-23, 30 and 32.

For these and other reasons, claims 3, 5-10, 19-23, 30 and 32 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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